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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH JOSEPH BURGER,
GEORGE FRANCIS DeSTEFANO, SUSAN JUDITH FUNK, and
ANDREW JAMES STREIT

Appeal 2009-010323¹
Application 10/675,266
Technology Center 2100

Before JOSEPH L. DIXON, JEAN R. HOMERE, and THU ANN DANG,
Administrative Patent Judges.

HOMERE, *Administrative Patent Judge.*

DECISION ON APPEAL

¹ The real party in interest is International Business Machines, Corp. (App. Br. 3.)

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1, 4-11, 14-16, and 18-20. Claims 2, 3, 12, 13, and 17 have been canceled. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' Invention

Appellants invented a method and system of preparing a report based on data obtained from a plurality of registered information suppliers. In particular, upon receiving a request for one or more data records from a client (106), a data assembler (126) forwards the request to at least a registered information supplier (104) having relevant data. Upon receiving the requested records, the data assembler (126) creates a model norm (130) based on a data dictionary (128) that defines a standardized format for presenting fields in the records as per an agreement among the information suppliers. A data normalizer (127) then creates a report based on the records featured in the model norm. (Fig. 1, Spec. 5, ll. 14-24.)

Illustrative Claim

Independent claim 1 further illustrates the invention. It reads as follows:

1. A method comprising:

registering a plurality of information suppliers and a plurality of areas of interest associated with the plurality of respective information suppliers;

finding one of the plurality of areas of interest associated with one of the plurality of information suppliers that matches a field of interest requested by a client;

requesting a plurality of records from the one of the plurality of information suppliers;

creating a model norm based on a data dictionary, wherein a format of the data dictionary is standardized by an agreement among the plurality of information suppliers;

selecting a subset of a plurality of characteristics from the plurality of records based on the model norm;

preparing a report with the subset;

ordering the subset of the plurality of characteristics in the report based on a relative significance of the characteristics in the model norm, wherein the relative significance specifies a different order of the characteristics than the plurality of records;

ordering the plurality of records in the report based on a sort rule in the model norm;

receiving a favored norm from the one of the plurality of information suppliers of a selected record in the report;

selecting a second subset of the plurality of characteristics from the plurality of records, wherein the favored norm specifies the second subset; and

creating a second report with the second subset.

Prior Art Relied Upon

Tabb	US 5,603,025	Feb. 11, 1997
Barnes	US 6,993,533 B1	Jan. 31, 2006

The Open Directory Project, www.dmoz.org, 1999.

Open Directory Project Terms of Use, <http://dmos.org/termsfuse.html>, as retrieved 28 August 2007, last updated on 19 April 2001.

Pearson, Randy, "Default Value", SQL Wiki, 14 December 2000.

Rejections on Appeal

The Examiner rejects the claims on appeal as follows:

Claims 1, 4-11, 14-16, and 18-20 stand rejected under 35 U.S.C.

§ 103(a) as being unpatentable over the combination of Barnes, Open Direct Project ("ODP"), and ODP terms of use (ODPTU).

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Barnes, ODP and Tabb.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Barnes, ODP and Pearson.

Appellants' Contentions

Appellants contend that the combination of Barnes and ODP/ODPTU does not teach or fairly suggest creating a model norm based on a data dictionary having a standardized format as per an agreement among a plurality of information suppliers, as recited in independent claim 1. (App. Br. 25-26.) In particular, Appellants argue that the terms of use agreement

disclosed in ODP do not pertain to standardizing the format of contents for the disparate websites being maintained by their respective editors. (*Id.* at 25.) Further, Appellants argue that since ODP is concerned with creating the largest human-edited hierarchical web directory, requiring editors of such disparate websites to agree to a standardized data dictionary would destroy the stated purpose of ODP. (*Id.*) Similarly, Appellants argue that ODPTU's agreement would destroy Barnes' stated purpose of generating and distributing reports from a relational database since it would cause Barnes to lose its field names, which are necessary for Barnes to perform its SQL commands against the database. Consequently, Appellants submit that ODP/ODPTU teaches away from Barnes's disclosure. (*Id.* at 26.)

Examiner's Findings

In response, the Examiner finds that ODPTU discloses an implicit agreement between the website editors. In particular, the Examiner finds that, by agreeing to list a website as part of the hierarchical web directory, the different website editors have impliedly assented to present the website information in a pre-specified format. (Ans. 9.) Further, the Examiner finds that ODP's hierarchical organization of the directory is a data dictionary. (*Id.* 8.) Consequently, the Examiner finds that the combination of Barnes and ODP/ODPTU teaches or suggests the disputed limitations. (*Id.*)

Therefore, the pivotal issue before us is as follows:

II. ISSUE

Have Appellants shown that the Examiner erred in finding that the combination of Barnes and ODP/ODPTU teaches or fairly suggests creating a model norm based on a data dictionary having a standardized format as per an agreement among a plurality of information suppliers, as recited in independent claim 1?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Barnes

1. Barnes discloses a system for generating and distributing reports from a relational database. (Col. 1, ll. Abstr.) In particular, Barnes discloses an interface for defining parameters for the reports, and for specifying relationships between reports to thereby link them together. (Col. 12, ll. 22-44.)

ODP

2. ODP discloses a hierarchical web directory organized by subject, wherein individuals can submit their own site information by adding an associated URL to a relevant category. The open directory allows those individuals to maintain the contents of their sites, to create new categories, and to move their sites across categories. (ODP, p. 1.)

ODPTU

3. ODPTU discloses a terms of use agreement that sets forth the acceptance terms of the hierarchical web directory, its privacy policy, and various copyright related clauses. Further, the terms of use indicate that Netscape and ODP staff has unfettered editorial discretion over the management of the structure and content of data placed on their site. (ODPTU, p. 1-9.)

IV. ANALYSIS

Independent claim 1 recites, *inter alia*, creating a model norm based on a data dictionary having a standardized format as per an agreement among a plurality of information suppliers.

First, we consider the scope and meaning of the claim expressions, “model norm” and “data dictionary,” which must be given the broadest reasonable interpretation consistent with Appellant’s disclosure. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004); *In re Morris*, 127 F.3d 1048 (Fed. Cir. 1997). We must, however, avoid importing limitations from Appellant’s Specification. *SuperGuide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004) (“Though understanding the claim language may be aided by the explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim.”). Appellants’ Specification indicates that a “model norm” refers to field entries that may be present in a report. (Spec. 11, ll. 18-22.) Likely, the Specification indicates that a “data

dictionary” serves to provide a data definition for each field a in a record, and that the format/content of the data dictionary may be standardized by an agreement among the information suppliers. (Spec. 10, II. 12-14, II. 26-27.)

Consequently, we construe the disputed limitations set forth above in light of Appellants’ Specification as requiring the selection of field entries to create a report, wherein the selected fields have a uniform format as agreed to by the information suppliers. Given this backdrop, we find error in the Examiner’s finding that the combination of Barnes and ODP/ODPTU teaches the disputed limitations. In particular, while the ODP’s hierarchical web directory seems to comport with our interpretation of a data dictionary (FF. 2), we find no teaching or suggestion in the cited reference that data is stored in a standardized format in the open directory pursuant to an agreement by the website editors.

Further, we note that the editors’ assent to load their data on the hierarchical directory does suggest an implied consent on their part as to the agreement set forth by ODPTU. (FF. 3.) In other words, ODPTU teaches or suggests, at best, an implied agreement between the editors and the ODPTU website as to the disclosed terms of use of the site. However, such agreement in no way, shape or form teaches or even suggests an implied agreement among the editors as to standardizing the format of data in the directory. Consequently, we find that ODP/ODPTU does not teach the disputed limitations. Since Appellants have shown at least on error in the Examiner’s rejection, we need not address Appellants’ other arguments. It

Appeal 2009-010323
Application 10/675,266

follows that Appellants have shown error in the Examiner's rejection of claim 1.

Since claims 4-11, 14-16, and 18-20 recite the disputed limitations discussed above, Appellants have also shown error in the Examiner's rejection of those claims for the same reasons set forth above.

VI. DECISION

We reverse the Examiner's rejection of claims 1, 4-11, 14-16, and 18-20.

REVERSED

Vsh